

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

Docket No. 04-12654 GAO  
Formerly Case No. 04-4389-F  
Suffolk County Superior Court

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FRED T. VAN DAM, Trustee of 105 HOLMES )  
AVENUE REALTY TRUST, )  
Plaintiff )  
 )  
v. )  
 )  
DAVID M. MCSWEENEY, Trustee of MC )  
REALTY TRUST; ROCKLAND LEASE FUNDING )  
CORP.; UNITED STATES OF AMERICA; and )  
GENERAL ELECTRIC COMMERCIAL )  
EQUIPMENT FINANCING, a division of )  
GENERAL ELECTRIC CAPITAL CORP.; )  
Defendants )  
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**MOTION TO WITHDRAW AS COUNSEL FOR DEFENDANT  
DAVID M. MCSWEENEY, TRUSTEE OF MC REALTY TRUST**

Now comes counsel for Defendant David M. McSweeney, Trustee of MC Realty Trust ("Mr. McSweeney"), in the above-captioned matter and hereby requests leave from the Court pursuant to Local Rule 83.5.2(c) to withdraw from any further representation of Mr. McSweeney in this case. For cause, counsel states:

1. Reasons exist pursuant to Rule 1.16(b) of the Massachusetts Rules of Professional Conduct which require the undersigned counsel and the firm of GREENBAUM, NAGEL, FISHER & HAMELBURG to withdraw from any further representation of the plaintiff in this action, as more fully set forth in the Affidavit of counsel submitted herewith.

2. Counsel is no longer able to zealously represent Mr. McSweeney in this action based upon the foregoing and also based upon Mr. McSweeney's refusal to cooperate with counsel.

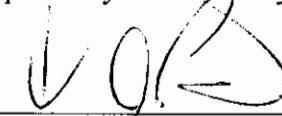
3. Undersigned counsel hereby certifies that a copy of the following documents was served on Mr. McSweeney on May 18, 2005 by certified mail, return receipt requested:

- a) the within Motion for Leave to Withdraw;
- b) the Affidavit of David J. Paliotti filed herewith; and
- c) the Motion to Impound Affidavit filed herewith.

4. Despite service of the aforementioned documents upon Mr. McSweeney, he and counsel have been unable to resolve their differences prior to the filing of the within motion.

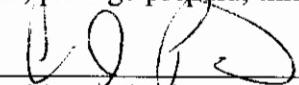
WHEREFORE, counsel for Mr. McSweeney respectfully requests that this Court grant him and his law firm leave to withdraw from this case.

Respectfully submitted by,



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David J. Paliotti, Esquire  
BBO No. 547501  
GREENBAUM, NAGEL,  
FISHER & HAMELBURG  
200 High Street, 4<sup>th</sup> Floor  
Boston, MA 02110  
(617) 423-4300

I hereby certify that a true copy of the above document was served upon Defendant David M. McSweeney, Trustee of MC Realty Trust, on May 18, 2005, by mailing a copy of the same to him by certified mail, return receipt requested, and to counsel of record for each other party by first class mail, postage prepaid, this 17<sup>th</sup> day of June, 2005.



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David J. Paliotti, Esquire  
BBO No. 547501